

Case 22011068-JTD

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

FILED
2024 NOV 26 PM 2:16
US BANKRUPTCY COURT
DISTRICT OF DELAWARE
Case No: 22-11068 (JTD)
Doc Number: 27190

In re:

FTX TRADING LTD., et al

RESPONSE TO OBJECTION TO DEBTORS' ONE HUNDRED TWENTY-SEVENTH (SUBSTANTIVE) OMNIBUS OBJECTION TO CERTAIN NO LIABILITY PROOFS OF CLAIM (CUSTOMER CLAIMS)

1. Background

- 1.1. This Response is to contest the Debtors' determination of the No Liability Claims included in the Objection filed 23 October 2024 contained in document 27190 in terms of Case No. 22-11068 (JTD).
- 1.2. On 6 November 2024, Amori Hanekom (hereinafter referred to as "Hanekom") received notification of the objection on the basis that *"the claimant did not provide proper documentation to support the asserted customer entitlement claim"* based on the fact that *"the information provided with the claim form and following a robust review of the books and records, the Debtors have not identified any liability owing to, or customer entitlement, of the claimant."* Attached hereto and marked as *Annexure "A"* is a copy of the notification received.

2. The Claim

- 2.1. Hanekom submitted a Claim under the following details:
 - 2.1.1. Full Name: Amori Hanekom
 - 2.1.2. Claim Number: 71920
 - 2.1.3. Customer Code: [REDACTED]
 - 2.1.4. Email linked to account: amori.hanekom@yandex.com
 - 2.1.5. Confirmation ID: 3265-70-ZIJYX-302011219
 - 2.1.6. Amount Claimed: 18 282.55 USD
- 2.2. Attached hereto and marked as *Annexure "B"* in support of the Claim is a copy of the Creditor Data Details and extract of Hanekom's FTX Account confirming the above details.

3. Basis of the Claim

- 3.1. Upon gaining access into Hanekom's FTX Account, it was determined that Hanekom's Profile/Account was reflecting a nil (zero) balance. Attached hereto and marked as *Annexure "C"* is an extract of the account evidencing the nil (zero) balance.

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- 3.2. On 7 November 2022, an amount of 18 282.55 USD was deposited into FTX Digital Markets Ltd's nominated bank account, being Silvergate Bank by Capitec Bank Limited upon the instruction of Hanekom and from Hanekom's bank account in her name. Attached hereto and marked as *Annexure "D"* is a copy of the Application to Transfer Foreign Currency Cross Border Declaration, Outward Payment Confirmation and SWIFT Message. Reference must be made to the SWIFT Message on page 7 of *Annexure "D"* which shows that the funds were transferred to the beneficiary, being FTX Digital Markets Ltd from Hanekom's bank account. A copy of an extract Company Trace evidencing Capitec Bank Limited is active and operating as a bank as well as an extract confirming that Capitec Bank Limited is a licensed financial service provider is attached hereto and marked as *Annexure "E"*. The link to confirm that Capitec Bank Limited is a licensed financial service provider is https://www.fsca.co.za/Fais/Search_FSP.htm.
- 3.3. Attached hereto and marked as *Annexure "F"* is a screenshot of Hanekom's FTX Profile which shows that the last deposit made in terms of the Deposit History was on 21 July 2022 for an amount of 21 101.99 USD. The deposit made on 7 November 2022 as referred to in paragraph 3.2 has not been allocated to Hanekom's FTX Profile/Account due to FTX's liquidation.
- 3.4. Capitec Bank Limited attempted to recall the funds for Hanekom, however the recall was not able to be processed "*due to bankruptcy filing*". Attached hereto and marked as *Annexure "G"* is a copy of the notification received after the failure to recall the funds.

4. Legal Basis and Entitlement to Funds

- 4.1. Upon instruction by Hanekom, an amount of 18 282 USD was transferred by Capitec Bank Limited from Hanekom's bank account to FTX Markets Digital Ltd on 7 November 2022. Proof of the transfer of the funds has been attached as *Annexure "D"*. As evidenced by the SWIFT Message, the amount of 18 282 USD was transferred out of Hanekom's account and is currently in FTX Market Digital Ltd's Bank Account.
- 4.2. Hanekom instructed Capitec Bank Limited to recall the funds but Capitec Bank Limited was unable to do so "*due to bankruptcy filing*". This is evidenced in the notification received from Capitec Bank Limited attached as *Annexure "F"*. Therefore, the funds were successfully transferred from Hanekom's bank account to FTX Markets Digital Ltd's bank account.
- 4.3. Hanekom is not in possession of the funds and the funds are currently in FTX Digital Markets Ltd bank account and have not been allocated to Hanekom.
- 4.4. Hanekom is legally entitled to these funds and has complete ownership of the funds and should not be prejudiced due to the fact that the funds were not allocated due to the liquidation of FTX.
- 4.5. The claim submitted under claim number 71920 should not be objected to and should proceed accordingly.
- 4.6. FTX/Kroll has been provided with all the relevant documentation and communication to assist with the claim. Formal correspondence was sent to

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FTX/Kroll on 27 September 2023 reiterating the above mentioned. Attached hereto and marked *Annexure "H"* is a copy of the correspondence transmitted as well as an example of the correspondence submitted to FTX/Kroll providing the documentation and details of the events that transpired. The correspondence attached as Annexure "H" is just one email thread, however multiple email threads were exchanged in an attempt to have the funds correctly allocated to Hanekom.

- 4.7. FTX has no right, title or interest in the amount of 18 282.55 USD that is currently in its bank account and possession.

5. Claimant's Details

- 5.1. Name: Amori Hanekom
5.2. Current Address: 101 Alphine Crescent, Pine Creek Estate, Somerset West, 7139, Western Cape, SOUTH AFRICA
5.3. Telephone Number: +27685180063
5.4. Email Address: amori.hanekom@yandex.com
5.5. CC in all Communication: casey@fivewest.co.za & amorihanekom@gmail.com; frikkie.hanekom442@gmail.com

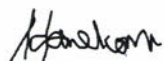
6. Secondary Contact Details

- 6.1. Name: Frikkie Hanekom
6.2. Current Address: 101 Alphine Crescent, Pine Creek Estate, Somerset West, 7139, Western Cape, SOUTH AFRICA
6.3. Telephone Number: +27662801297
6.4. Email Address: frikkie.hanekom442@gmail.com
6.5. CC in all Communication: casey@fivewest.co.za & amori.hanekom@yandex.com; amorihanekom@gmail.com

7. Conclusion

- 7.1. As evidenced above, 18 282.55 USD was transferred out of Hanekom's account into FTX's nominated bank account and has not been allocated to Hanekom due to the liquidation.
7.2. In light of the above, Hanekom's claim should proceed and there is no legal basis for the objection and rejection of Hanekom's claim that was duly submitted under claim number 71920.

SIGNED AND DATED AT CAPE TOWN, SOUTH AFRICA ON 14 NOVEMBER 2024



Amori Hanekom

Case no: 22011068-JTD

Doc: 27190

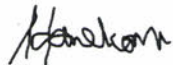
UNITED STATES BANKRUPTCY COURT
IN THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date she served a copy of the attached Response to Objection to claim upon the following parties via electronic mail on 19/11/2024 to:

(a) Sullivan &Cromwell LLP, 125 Broad Street, New York, New York 10004, Attn: Christian P. Jensen (jensenc@sullcrom.com) and David M. Rosenthal (rosenthald@sullcrom.com) and

(b) LandisRath & Cobb LLP, 919 Market Street, Suite 1800, Wilmington, Delaware 19801, Attn: Matthew R. Pierce (pierce@lrclaw.com) and Kimberly A. Brown (brown@lrclaw.com),



Amori Hanekom

Delivered: Amori Hanekom - FTX TRADING LTD.,Case 22-11068-JTD Doc 27190, Response to Objection

Yandex  **360**

November 20, 2024 1:22 AM

From: postmaster@lrclaw.onmicrosoft.com

To: amori.hanekom@yandex.com

Your message has been delivered to the following recipients:

pierce@lrclaw.com (pierce@lrclaw.com)

Subject: Amori Hanekom - FTX TRADING LTD.,Case 22-11068-JTD Doc 27190, Response to Objection

Reporting-MTA: dns;DM4PR22MB3490.namprd22.prod.outlook.com

Received-From-MTA: dns;forward103b.mail.yandex.net

Arrival-Date: Tue, 19 Nov 2024 23:22:29 +0000

Original-Recipient: rfc822;pierce@lrclaw.com

Final-Recipient: rfc822;pierce@lrclaw.com

Action: delivered

Status: 2.0.0

Diagnostic-Code: smtp;250 2.0.0 OK

X-Display-Name: pierce@lrclaw.com

-
- no_name

FTX Trading Ltd. 22-11068 (JTD)
 One Hundred Twenty-Seventh Omnibus Claims Objection
 Schedule 1 - No Liability Claims

Annexure A

<u>Asserted Claims</u>				
Claim Number	Name	Debtor	Tickers	Ticker Quantity
0	Hanekom, Amori	FTX Trading Ltd.	USD	18,282.5500000000000000

Reason: The Claimant did not provide proper documentation to support the asserted customer entitlement claim. Utilizing the information provided within the claim form and following a robust review of the books and records, the Debtors have not identified any liability owing to, or customer entitlement of, the claimant.



Annexure B

Creditor Data Details - Claim # 71920

Creditor

Name on file
Address on file

Debtor Name

FTX Trading Ltd.

Date Filed

09/27/2023

Claim Number

71920

Schedule Number

n/a

Confirmation ID

3265-70-ZIJYX-302011219

Claim Amounts

Claim Nature	Schedule Amount	C*U*D*	Asserted Claim Amount	C*U*F*	Current Claim Value	Claim Status
General Unsecured						
Priority						
Secured						
503(b)(9) Admin Priority						
Admin Priority						
Total						

*C=Contingent, U=Unliquidated, D=Disputed, F=Foreign

Claim Additional Info

Type	Name	Group	Original Quantity	Current Quantity
FIAT	US Dollar(USD) USD/USD = 1.00000	ASSERTED	18282.55	18282.55

avoidance of doubt, listing a claim on Schedule D as "secured," on Schedule E as "priority," on Schedule F as "non-priority," or listing a contract or lease on Schedule G as "executory" or "unexpired," does not constitute an admission by the Debtors of the legal rights of the claimant, or a waiver of the Debtors' right to recharacterize or reclassify such claim or contract. Each Debtor reserves the right to amend their Schedules and Statements as necessary or appropriate. Debtors further reserve the right to dispute, on any grounds, or to assert offsets or defenses to, any claim reflected on their Schedules



Creditor Data Details - Claim # 71920

Creditor

Name on file
Address on file

Debtor Name

FTX Trading Ltd.

Date Filed

09/27/2023

Claim Number

71920

Schedule Number

n/a

Confirmation ID

3265-70-ZIJYX-302011219

Claim Amounts

Claim Nature	Schedule Amount	C*U*D*	Asserted Claim Amount	C*U*F*	Current Claim Value	Claim Status
General Unsecured						
Priority						
Secured						
503(b)(9) Admin Priority						
Admin Priority						
Total						

*C=Contingent, U=Unliquidated, D=Disputed, F=Foreign

Claim Additional Info

Type	Name	Group	Original Quantity	Current Quantity
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Annexure B

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Creditor

Name on file
Address on file

Debtor Name

FTX Trading Ltd.

Date Filed

09/27/2023

Claim Number

71920

Schedule Number

n/a

Confirmation ID

3265-70-ZIJYX-302011219

Claim Amounts

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General Unsecured						
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Secured						
503(b)(9) Admin Priority						
Admin Priority						
Total						

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Claim Additional Info

Type	Name	Group	Original Quantity	Current Quantity
FIAT	US Dollar(USD) USD/USD = 1.00000	ASSERTED	18282.55	18282.55

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[User Guide](#)



[English](#) ▼

[My Account](#) ▼

ed at Every Login

"Confirm Email" button below to send an email to the address provided in your email. Once you complete this, you will see e.

Account ID

Unique Customer Code

Email amori.hanekom@yandex.com

Platform FTX_COM

Settings

Logout

Confirm Email

email address on file? Click [here](#) to contact support.

Annexture B

STEP 1
Initiate Account Owner
Authentication

STEP 2
Verify Identity of the Original
FTX Account Owner

STEP 3
KYC

STEP 4
Review Account Balances

STEP 5
Submission of Electronic
Proof of Claim

STEP 6
Standby for Next Steps

Portfolio

Main Account

Balances Deposits Withdrawals Positions Fills P2P Transfers Airdrops

Balances

Coin

USD (USD)

Euro (EUR)

USD Tether (USDT)

Bitcoin (BTC)

FTT (FTT)

Ethereum (ETH)

Bitcoin Cash (BCH)

Litecoin (LTC)

XRP (XRP)

All Subaccounts
Balance

Subaccount
Balance

Annexture C

**APPLICATION TO TRANSFER FOREIGN CURRENCY
CROSS BORDER DECLARATION**

Annexture D



In respect of the undermentioned transfer of funds, I/We authorise Capitec Bank, to debit my/our Account

Account Number	██████████	Date	2022-11-07
Account Name		Vat Number	

Details of Applicant			
Surname	Hanekom		
Full Name	Amori		
Identity Number	██████████		
Customs Client Number SA Passport Number			
Date Of Birth	██████-██-██	Tax Number	██████-██-██
Full Business Address	Gustrouw Road 17 Seascapes Mews . Gordons Bay		
City	Cape Town	Postal Code	7140
Province	Western Cape	Country	ZA
Postal Address	17 Seascapes Mews Gustrouw Road Gordons Bay		
City	Cape Town	Postal Code	7140
Province	Western Cape		
Telephone Number	27685180063	Mobile Number	27832879930
Email Address	amori hanekom@gmail.com		

Beneficiary Bank Details

Bank Name	Silvergate Bank		
Branch Name	La Jolla	Branch routing/transit code	
Bank Address	4250 Executive Square Suite 300 La Jolla. CA 92037		
City	California	Swift code: (e.g. CABLZAJJ)	
Country	United States		
Correspondent / Intermediary Bank Swift code: (e.g. CABLZAJJ)			
<small>*Footnote: We recommend the use of a valid SWIFT Code to ensure Straight Through Processing (stp). Capitec will make use of the Bank's physical address(country permitting). If a valid SWIFT Code is provided, this will be utilised independently and will not be checked against the Bank Name and/or Address.</small>			

Beneficiary Details

Bank account number/ IBAN number			
Surname of Individual or Name of Entity	FTX Digital Markets Ltd.		
Full Name of Individual		Gender	N/A
Passport Number			
Passport Country			
Address: Full Residential/business	Veridian Corp. Center Astoria Unit 27 Western Dist. of Island of New Providence Nassau Bahamas		
City	Nassau		
Country	Bahamas. The	Postal Code	
Country Code	BS	RSA Resident	No
Details/Purpose of Payment	Investment Allowance		
Beneficiary Reference			
Details of Charges	OUR		
Sender information (Special Instructions)			

Annexure D

Declaration

I/We, the undersigned hereby declare that:

- I/We have read this document and know and understand the contents thereof;
- the information furnished above is in all respects both true and correct;
- the currency applied for will only be used for the specific purpose stated herein;
- the documentation presented in support of this application is in all respects authentic;
- I/We have been informed of the limit applicable to the above transaction and confirm that this limit will not be exceeded as a result of the conclusion of this transaction; and
- I /We consent to this information being provided to the South African Revenue Service and/or the Financial Intelligence Centre.
- Authorised signatory (who warrants that he/she is duly authorised)
- I agree to use of digital and electronic signatures as a valid method of signing documents.

I acknowledge that this application is subject to the Terms and Conditions of the Foreign Exchange Trading Agreement, the terms and conditions of which I have read, and understand its meaning and effect.

For and on behalf of: Amori Hanekom

Natasha Fortuin

11:06:15 (UTC+02:00)

Full Name of Signatory: Natasha fortuin

Identification Number [REDACTED]

Capacity: administrator

Date of signature: 07 November 2022

Annexture D



Mrs Amori Hanekom

Dear Sir/Madam

TREASURY ELECTRONIC ADVICE OF OUTWARD PAYMENT

We advise that we have effected payment as instructed. Details of payment as per swift message attached.

Payment details				
Currency	Amount	Exchange Rate	Contra Currency	Contra Currency Amount
USD	18282.55	18.05	ZAR	330000.0

Our Fees		
Payment commission	ZAR	ZAR
Value Added Tax	ZAR	65.22
Total Fees	ZAR	500.0

Only original documents (if submitted) will be returned to you under separate advice.

In terms of the Currency and Exchanges Manual all documents must be retained by you for a period of at least 5 years.

NOTE: IMPORT VERIFICATION WITH REGARDS TO ADVANCE PAYMENTS FOR IMPORTS UNDER BOP CATEGORY 101.

Should the abovementioned payment be in respect of an advance payment under BOP category 101 the following shall apply as envisaged in Section B.1 (F) of The Currency and Exchanges Manual for Authorised Dealers:

1. You must within four (4) months from date of payment, furnish Capitec Bank with proof of importation and that goods have been cleared by Customs i.e. Release Notification and SAD500 with Customs Worksheet.
2. Where the goods have not been cleared, you are required to advise Capitec Bank in writing of the reasons for the delay.
3. Failure to comply with any of the above requirements will result in the matter being referred to The SARB as non-compliant and may, amongst others, result in you being blocked from availing any further FX in respect of advance import payments.

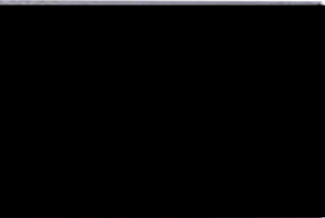
When submitting the customs documents, kindly attach this letter for ease of reference and for proper reconciliation of the outstanding documents and the payment.

The information contained herein is not exhaustive of your duties and obligations in terms of exchange control and you must comply with all obligations applicable to you in this regard.

Please do not hesitate to contact us for any further assistance on this or any other matter.

Annexure D

Authorised Financial Service Provider

FSP No	
FSP Name	
FSP Type	
Registration Number	
Date Authorised	

Annexture E

Contact Information

Compliance Officers

Representatives

Key Individuals

Sole Proprietors

Products Approved

If you have any enquiries please contact the FSCA call centre - 0800 20 37 22



CAPITEC BANK
CSI Company Trace

Annexure E

2 Waterford Mews, Century City, Cape Town, 7441
Tel: +27 87 330 7577 - NCR Reg No: NCRCB30
Website: <https://www.searchworks.co.za>

SEARCH INFORMATION

Summary

Search Type	CSI COMPANY TRACE
Search Description	CAPITEC BANK
Reference	CAPITEC
Date	13/11/2024

COMPANY INFORMATION

Company Details

Name	CAPITEC BANK
Registration Number	
Type	
Status	
Registration Date	

ACTIVE DIRECTOR(S)

Director Name	ID Number	Director Status	Appointment Date
		ACTIVE	07/09/2023
		ACTIVE	01/06/2019
		ACTIVE	25/09/2020
		ACTIVE	07/09/2023
		ACTIVE	20/09/2013
		ACTIVE	01/07/2022
		ACTIVE	06/04/2000
		ACTIVE	25/09/2020
		ACTIVE	05/10/2007
		ACTIVE	01/12/2015
		ACTIVE	06/04/2000

Deposits

Annexure F



Time	Coin	Amount	Status	Additional Info
7/21/2022, 1:43:35 PM	USD	21,101.99 USD	Complete (Bank transfer)	
7/18/2022, 2:31:29 PM	USD	20,527.86 USD	Complete (Bank transfer)	
4/5/2022, 8:46:03 PM	USD	20,519.84 USD	Complete (Bank transfer)	
4/4/2022, 7:52:26 PM	USD	23,874.49 USD	Complete (Bank transfer)	
4/1/2022, 6:09:16 PM	USD	24,121.3 USD	Complete (Bank transfer)	
3/31/2022, 11:24:10 AM	USD	0 USD	Cancelled (Bank transfer)	One month passed and no matching deposit was received.

Annexure G

:20:WACNY2231320828
:21:0002200502010014
:79:NARRATIVE

.
UETR77BBA1AC-C3AD-40E5-9960-9E87857C50B7
ATTN WIRE TRANSFER INVESTIGATIONS
WE ACKNOWLEDGE RECEIPT OF YOUR CANCELLATION
REQUEST DATED 11/9/2022 CONCERNING YOUR PAYMENT
FOR USD 18,282.55 DATED 11/7/2022
YOUR REF 0002200502010014. PLEASE BE ADVISED WE
HAVE MADE REPEATED ATTEMPTS TO RECALL FUNDS PER
YOUR CANCELLATION REQUEST BUT BENE BANK ADVISED
BELOW: QOUTE WE SUGGEST ORIGINATOR SETTLE MATTER
DIRECTLY WITH BENEFICIARY AS WE ARE TODAY CLOSING
OUR FILES. PLEASE QUOTE **UNABLE TO PROCESS YR**
REQ DUE TO BANKRUPTCY FILING . UNQOUTE OUR REF
WACNY2231320828 IN ALL CORRESPONDENCE RELATED TO
THIS INVESTIGATION.
REGARDS,
JEFFREY DELA TORRE, CUSTOMER CARE

Annexure H



Mrs Amori Hanekom

Dear Sir/Madam

TREASURY ELECTRONIC ADVICE OF OUTWARD PAYMENT

We advise that we have effected payment as instructed. Details of payment as per swift message attached.

Payment details				
Currency	Amount	Exchange Rate	Contra Currency	Contra Currency Amount
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Our Fees		
Payment commission	ZAR	ZAR
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Total Fees	ZAR	500.0

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Should the abovementioned payment be in respect of an advance payment under BOP category 101 the following shall apply as envisaged in Section B.1 (F) of The Currency and Exchanges Manual for Authorised Dealers:

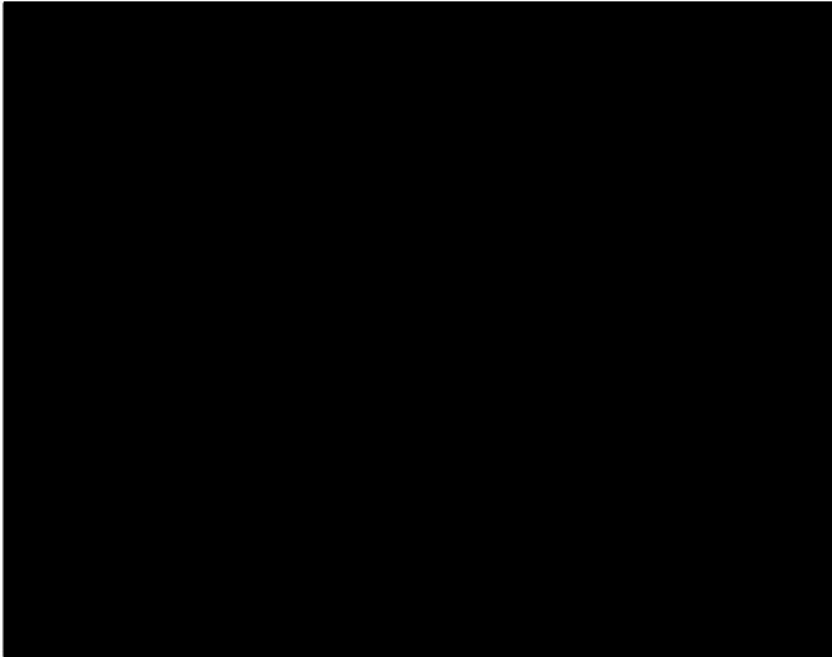
1. You must within four (4) months from date of payment, furnish Capitec Bank with proof of importation and that goods have been cleared by Customs i.e. Release Notification and SAD500 with Customs Worksheet.
2. Where the goods have not been cleared, you are required to advise Capitec Bank in writing of the reasons for the delay.
3. Failure to comply with any of the above requirements will result in the matter being referred to The SARB as non-compliant and may, amongst others, result in you being blocked from availing any further FX in respect of advance import payments.

When submitting the customs documents, kindly attach this letter for ease of reference and for proper reconciliation of the outstanding documents and the payment.

The information contained herein is not exhaustive of your duties and obligations in terms of exchange control and you must comply with all obligations applicable to you in this regard.

Please do not hesitate to contact us for any further assistance on this or any other matter.

COPY OF SWIFT MESSAGE CONFIRMATION



Annexure H



Annexure H

Casey van der Velde <casey@fivewest.co.za>

FTX CLAIM - CUSTOMER ID: 77349274 - Incorrect Balance

Amori Hanekom <amori.hanekom@yandex.com>

Tue, Feb 20, 2024 at 11:56 AM

To: "support@ftx.com" <support@ftx.com>

Cc: "casey@fivewest.co.za" <casey@fivewest.co.za>

Dear FTX Support,

I need assistance on allocating funds to my FTX Profile that was paid to FTX Bank account and also need to ensure that my claim was successfully processed.

I have submitted a claim prior to the deadline. The proof of the claim submission is attached hereto.

Correspondence was sent to FTX/Kroll on 27 September 2023 and in the correspondence, the main points were as follows:

2.1 My account is currently reflecting a nil balance which is incorrect and upon further investigation, it has been confirmed that funds have not been allocated to my account.

2.2 On 7 November 2022, an amount of 18 282.55 USD was deposited into FTX's account. Proof of thereof is attached to the correspondence as Annexure "A". Despite the funds being transferred, the aforementioned amount is not reflecting on my profile nor is it reflecting on the deposit tab history.

FTX needs to assist me with allocating these funds to my profile and also ensure that my claim is successfully processed.

The money is with FTX, and a valid claim have been submitted with supporting documentation.


I have also attached latest communication with FTX.

Can you urgently assist.

Kind Regards

Amori Hanekom

3 attachments

 Customer Claim Form - d09e30e41c3b3c2d (3).pdf
271K

 FTX Letter dated 27 September 2023 (1) (2).pdf
613K

 FTX Correspondance.pdf
953K